

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Daniel Casanova

v.

Civil No. 10-cv-485-JD

Hillsborough County, et al.

O R D E R

Daniel Casanova, proceeding pro se and in forma pauperis, brought suit against two correctional officers, the Hillsborough County Department of Corrections, and the superintendent of the Department of Corrections, alleging claims arising out of incidents that occurred while he was incarcerated at the Hillsborough County jail. In response to Casanova's motion for appointment of counsel, the court found counsel who agreed to represent Casanova. Casanova's claim under 42 U.S.C. § 1983 against Correctional Officer Weatherby for using excessive force and his state law battery claim against Weatherby and Hillsborough County were tried to a jury in March of 2013. The jury found in favor of the defendants, and judgment was entered on April 1, 2013.

Casanova filed a notice of appeal on April 2, proceeding pro se. His motion to proceed in forma pauperis on appeal was granted, and his motion for appointment of appellate counsel was sent to the First Circuit Court of Appeals for ruling. Casanova

now moves to have the government provide transcripts for his appeal. The defendants object to the motion.

Under 28 U.S.C. § 753(f), the government will pay the fees charged for transcripts provided "to persons permitted to appeal in forma pauperis . . . if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question)." In his notice of appeal, Casanova states that the reason for his appeal "is to provide more [accurate] medical information from [Hillsborough County Department of Corrections]." He also states: "I'm filing this motion because I wish for Woodrow Weatherby and the Hillsborough County Corrections Department to be accountable for their actions in hurting and disabling me." Casanova does not address the issues for appeal in his motion for transcripts.

As stated in the notice of appeal, Casanova does not present a substantial question for appeal.

Conclusion

For the foregoing reasons, the plaintiff's motion for transcripts to be provided at the government's expense (document no. 98) is denied.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

June 12, 2013

cc: Daniel Casanova #85837, pro se  
John A. Curran, Esquire  
Kirk C. Simoneau, Esquire  
David P. Slawsky, Esquire  
Lawrence A. Vogelman, Esquire